

SECOND REGULAR SESSION

SENATE BILL NO. 949

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time January 24, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4641S.011

AN ACT

To amend chapter 208, RSMo, by adding thereto three new sections relating to the dental carve-out act of 2006.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto three new sections, to be known as sections 208.675, 208.678, and 208.680, to read as follows:

208.675. Sections 208.675 to 208.680 shall be known and may be cited as the "Dental Carve-Out Act of 2006".

208.678. 1. The division of medical services within the department of social services shall maintain and implement a process for managing dental benefits to public assistance recipients. Such process may include, but is not limited to, innovative risk management payment methodologies, streamlined information systems, Health Insurance Portability and Accountability Act compliance, comprehensive quality programs, outreach programs, fraud and abuse processes, systematic claim interrogation processes, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment.

2. The division may place coverage limits on dental services and the frequency of services to:

(1) Prevent fraud, abuse, waste, and over utilization or inappropriate utilization; or

(2) Implement a dental benefit management program; except that, the division shall not limit or restrict access to federal and state-mandated benefits.

3. The division shall establish a statewide uniform dental

19 program administered by a single entity; except that, the division shall
20 not require a dentist to alter a patient's previously authorized course
21 of treatment unless such alteration is warranted by the patient's
22 condition as initiated by the dentist. Any decision regarding
23 limitations imposed on any dental benefit shall be based on sound
24 clinical practice guidelines.

208.680. 1. The division shall promulgate rules in accordance
2 with state and federal law to implement the provisions of sections
3 208.675 to 208.680. Any rule or portion of a rule, as that term is defined
4 in section 536.010, RSMo, that is created under the authority delegated
5 in sections 208.675 to 208.680 shall become effective only if it complies
6 with and is subject to all of the provisions of chapter 536, RSMo, and,
7 if applicable, section 536.028, RSMo. This section and chapter 536,
8 RSMo, are nonseverable and if any of the powers vested with the
9 general assembly pursuant to chapter 536, RSMo, to review, to delay
10 the effective date, or to disapprove and annul a rule are subsequently
11 held unconstitutional, then the grant of rulemaking authority and any
12 rule proposed or adopted after August 28, 2006, shall be invalid and
13 void.

14 2. If any provision of sections 208.675 to 208.680 or any
15 application thereof is held invalid, such invalidity shall not affect any
16 other provision or application of sections 208.675 to 208.680 which can
17 be given effect without the invalid provisions or application.

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